IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 17767 of 2003

Between:

M.Nagender Prasad s/o Rama Rao
Himayat Nagar., APCOB., Hyderabad.

..... PETITIONER

AND

Andhra Pradesh State Co-operative Bank Ltd., Rep.by the Managing Director
Troop Bazar., Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Certiorari to call for the records related to and connected with the Proceedings in Ref.No.VC/Est/DA-48/126 dated 09-08-2003 of the respondent and to quash or set aside the decision contained therein imposing the penalty of fixation of pay at the beginning of the time scale in the post of Manager with corresponding effect in seniority in the cadre with all consequential benefits.

Counsel for the Petitioner:MR.P.NAVEEN RAO

Counsel for the Respondent No.: SMT.BOBBA VIJAYALAKSHMI

The Court made the following :

O R D E R:

Heard the learned counsel for the petitioner Sri P.Navin Rao and Smt. B. Vijayalaxmi, learned counsel for the respondent.

The petitioner worked in the respondent-District Co-operative Central Bank (for short DCCB) as Institutional Development Officer on deputation. On 09.08.2003 the Managing Director of DCCB issued proceedings against the petitioner for committing several irregularities and thereby imposed punishment of fixation of pay of the petitioner at the beginning of the time scale in the post of Manager. Hence, this writ petition is filed by stating that the Board of Director is not empowered to impose the impugned penalty.

Under Regulation 53(iv) of the Andhra Pradesh State Co-operative Bank Limited Staff Service Regulations (for short 'Regulations') an appeal lies to the General Body of Andhra Pradesh State Co-operative Bank (for short 'APCOB'). As there is an effective alternative remedy to the petitioner, I think that it is just and proper for the petitioner to avail an alternative remedy of filing an appeal.

In view of the above, the writ petition is disposed of directing the petitioner to file an appeal before the General Body OF APCOB within a period of two weeks from the date of receipt of a copy of this order and on filing such an appeal, the General Body

of APCOB shall consider and pass appropriate orders in accordance with Law, after giving an opportunity of hearing to the petitioner without reference to any delay in filing such an appeal. Pending disposal of the appeal before the General Body, the interim order passed by this Court in W.P.M.P.No.22149 of 2003, dated 26.08.2003 shall continue. No costs.

03.09.2004

c.c.in one week

B/o

tjs

ASISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Andhra Pradesh State Co-operative Bank Ltd., Rep.by the Managing Director Troop Bazar, Hyderabad.

2. 2 C.D.Copies.

Form-NIC-OGS/WP{ }